

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35798

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 672
	)	
Plaintiff-Respondent,	)	Filed: November 13, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
LESLIE ANN JASPER,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order revoking probation without modification of sentence and order relinquishing jurisdiction and requiring execution of unified ten-year sentence with two-year determinate term for possession of forged stolen notes, bank bills or checks, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before GUTIERREZ, Judge; GRATTON, Judge;  
and MELANSON, Judge

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PER CURIAM

Leslie Ann Jasper pled guilty to possession of forged stolen notes, bank bills or checks. Idaho Code § 18-3605. The district court imposed a unified sentence of ten years with two years determinate, suspended the sentence, and placed Jasper on probation. Subsequently, Jasper admitted to violating several terms of her probation, and the district court consequently revoked probation and ordered execution of the original sentence and retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Jasper appeals, contending that the district court abused its discretion by failing to *sua sponte* reduce her

sentence upon revoking her probation and by failing to place her on probation at the conclusion of retained jurisdiction.

Upon revoking a defendant's probation, a court may order the original sentence executed or reduce the sentence as authorized by Idaho Criminal Rule 35. *State v. Hanington*, \_\_\_ Idaho \_\_\_, \_\_\_ P.3d \_\_\_ (Ct. App. 2009) (citing *State v. Beckett*, 122 Idaho 324, 326, 834 P.2d 326, 328 (Ct. App. 1992); *State v. Marks*, 116 Idaho 976, 977, 783 P.2d 315, 316 (Ct. App. 1989)). A court's decision not to reduce a sentence is reviewed for an abuse of discretion subject to the well-established standards governing whether a sentence is excessive. *Hannington*, \_\_\_ Idaho at \_\_\_, \_\_\_ P.3d at \_\_\_. Those standards require an appellant to "establish that, under any reasonable view of the facts, the sentence was excessive considering the objectives of criminal punishment." *State v. Stover*, 140 Idaho 927, 933, 104 P.3d 969, 975 (2005). Those objectives are: "(1) protection of society; (2) deterrence of the individual and the public generally; (3) the possibility of rehabilitation; and (4) punishment or retribution for wrong doing." *State v. Wolfe*, 99 Idaho 382, 384, 582 P.2d 728, 730 (1978). The reviewing court "will examine the entire record encompassing events before and after the original judgment," i.e., "facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation." *Hannington*, \_\_\_ Idaho at \_\_\_, \_\_\_ P.3d at \_\_\_.

Following a period of retained jurisdiction, the decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-07 (Ct. App. 1990).

Applying the foregoing standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion either in failing to reduce Jasper's sentence upon revoking probation or in relinquishing jurisdiction following retained jurisdiction rather than again placing Jasper on probation. Therefore, the order revoking probation without modification of sentence and the order relinquishing jurisdiction and directing execution of Jasper's previously suspended sentence are affirmed.